



STATE OF ALABAMA

ALABAMA PUBLIC SERVICE COMMISSION

P.O. BOX 304260

MONTGOMERY, ALABAMA 36130-4260

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JOHN A. GARNER, EXECUTIVE DIRECTOR

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

MEMORANDUM

DATE: November 30, 2021

TO: Commissioner Twinkle Andress Cavanaugh
Commissioner Jeremy H. Oden
Commissioner Chris "Chip" Beeker, Jr.

FROM: Darrell A. Baker, Director
Utility Services Division

DRB

SUBJECT: Agenda for December 7, 2021 Commission Meeting.

The following items will be presented to the Commission during the regular December 7, 2021 Commission Meeting.

CONSUMER SERVICES REPORT

CONSUMER SERVICES ELECTRIC & GAS INQUIRIES

November

10/23/2021-11/21/2021

Company	Service Category	Total Inquiries	Service Outage Interruption	Service Quality	Service Connection	Service Disconnected	Billing Issues	Payment Issues	Request Info Only
Alabama Power	Residential	6		2			3		1
	Business	1					1		
Spire Alabama	Residential	6			1		5		
	Business								
Spire Gulf	Residential								
	Business								
TOTAL	Residential	12		2	1		8		1
	Business	1					1		

BASIC SERVICE ONLY

Company	Service Category	Total Inquiries	Service Outage	Service Quality	Service Connection	Service Disconnection	Billing Issues	Payment Issues	Lifeline	Request Info Only
ILEC	Residential									
	Business									
CLEC	Residential									
	Business									
TOLL	Residential									
	Business									
OTHER	Residential									
	Business									
Total Under PSC Complaint Jurisdiction		0								

OTHER RETAIL SERVICES/ISSUES

Service Category	Total Inquiries	Toll Service	Internet Service	Slamming Cramming	Wireless Issues	Number Porting Issues	Video CATV	Inmate Calling Service	Request Info Only
Residential	4	1	3						
Business									
Total									
Not Under PSC Jurisdiction	1	1							
Under PSC Jurisdiction	3		3						

Other Retail Services/Issues Under PSC Jurisdiction (Above)	3
Basic Service Inquiries Under PSC Jurisdiction (Previous Page)	0
Total Telecom Inquiries Under PSC Jurisdiction (Non-referrals)	3
Inquiries Not Subject to PSC Jurisdiction	1

Referred Inquiries (Waived Complaint Jurisdiction)	
Residential	10
Business	0
TOTAL	10

TOTAL TELECOM INQUIRIES			
Under PSC Complaint Jurisdiction	Waived Complaint Jurisdiction (Referrals)	Received But Not Under PSC Jurisdiction	Total Received
3	10	1	14

Gas Agenda

NATURAL GAS

Docket 18046 and SPIRE ALABAMA INC. -- Division Report on Rate RSE as of October 31,
18328 2021

Based on preliminary figures as of October 31, 2021, the projected RSE return on average common equity for the rate year ending September 30, 2022, was 10.40 percent. The authorized return on average common equity is 10.15 to 10.65 percent.

Docket 28101 SPIRE GULF INC. -- Division Report on Rate RSE as of October 31, 2021

Based on preliminary figures as of October 31, 2021, the projected RSE return on average common equity for the rate year ending September 30, 2022, was 10.06 percent. The authorized return on average common equity is 9.70 to 10.30 percent.

Water Agenda

WASTEWATER

Docket 31803 INTEGRATED WASTEWATER MANAGEMENT, INC. -- Petition for approval of rate increase for Integrated Wastewater Management, Inc. Staff has reviewed the filing and recommends that the filing be suspended for 180 days to and through June 30, 2022.
Recommend approval.

Docket 32698 RIVER BEND MARINA LLC -- Petition for approval for the renewal of the Certificate of Financial Viability for River Bend Marina with an effective date of December 19, 2021.

Recommend Approval.

Telecommunication Agenda

AMENDED INTERCONNECTION AGREEMENT (S)

- Docket U-4469 FRONTIER COMMUNICATIONS OF THE SOUTH, LLC and LEVEL 3 TELECOM OF ALABAMA, LLC -- Approval of an Amendment to the Interconnection Agreement between Level 3 Communications, LLC and Frontier Communications of the South, LLC pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
- Recommend Approval.
- Docket U-4548 BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and TEC OF JACKSON, INC. -- Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Alabama or AT&T Southeast and TEC of Jackson, Inc. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
- Recommend Approval.
- Docket U-5361 BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and BUTLER TELEPHONE COMPANY -- Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Alabama or AT&T Southeast and Butler Telephone Company pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
- Recommend Approval.
- Docket U-5362 BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and PEOPLES TELEPHONE COMPANY d/b/a TDS TELECOM -- Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Alabama or AT&T Southeast and Peoples Telephone Company pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.
- Recommend Approval.

Docket U-5363 BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST and OAKMAN TELEPHONE COMPANY -- Approval of an Amendment to the Interconnection Agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Alabama or AT&T Southeast and Oakman Telephone Company pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.

Recommend Approval.

PETITION (S)

Docket U-5404 MCIMETRO ACCESS TRANSMISSION SERVICES CORP. d/b/a VERIZON ACCESS TRANSMISSION SERVICES -- Rules of the North America Numbering Plan Administrator ("NANPA") grant the Commission discretion to override NANPA's denial of requested numbering resources in Alabama. MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services seeks Commission concurrence with its numbering resources request and asks the Commission to override NANPA's denial of the numbering resources sought by the Petitioner to serve the needs of a business customer in the Huntsville, Alabama area. The request is for a single block of 1,000 numbers from the 256 area code.

Recommend Approval.

NAME CHANGE (S)

Docket 27614 CONTACT NETWORK d/b/a INLINE -- Changes the Company name to Contact Network, LLC d/b/a InLine. Filed November 15, 2021 effective immediately.

Recommend Approval.

MISCELLANEOUS

Docket U-5405 BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST -- Grandfathers SMARTRing Service in the Access Services Tariff. Filed November 1, 2021, with a requested effective date of December 1, 2021. SMARTRing service is a SONET based, self-healing, high-capacity, ring network designed for the transport of Switched and Special Access service between customer designated hubbing locations.

Recommend Approval.

Docket U-5406 BELLSOUTH TELECOMMUNICATIONS, LLC d/b/a AT&T ALABAMA or AT&T SOUTHEAST -- Revises Access Services Tariff to add Distribution Areas to the Service Discontinuance list associated with the Time Division Multiplexing (TDM) to Internet Protocol (IP) Transition provisions. Filed November 9, 2021 with a requested effective date of December 9, 2021.

Recommend Approval.

SUMMARY OF OTHER FILING (S)

D-7711 CONSOLIDATED COMMUNICATIONS OF FLORIDA COMPANY, INC. -- Revises the General Subscriber Services Tariff to limit the Federal Lifeline credit amount for unbundled voice service to customers residing in certain census blocks where there is only one Lifeline provider within the census block in compliance with the Federal Communication Commission's 2016 Lifeline Modernization Order. Filed November 1, 2021, with a requested effective date of December 1, 2021.



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MEMORANDUM

DATE: November 30, 2021

TO: President Twinkle Andress Cavanaugh
Commissioner Jeremy H. Oden
Commissioner Chris "Chip" Beeker, Jr.

FROM: Wallace R. Jones, Director *WRJ*
Gas Pipeline Safety Division

SUBJECT: Agenda for December 7, 2021 Commission Meeting

This memorandum reflects activities of the Gas Pipeline Safety (GPS) Division that will be presented at the December 7, 2021 Commission Meeting.

- GPS performed the following inspections during the month of October 2021:

Standard Inspection	Construction	IMP/DIMP	Operator Qualification	Incident	Damage Prevention	Control Room	Follow-Up	TOTAL Inspections
18	16	1	10	1			11	57

From the fifty-seven (57) inspections shown above, three (3) enforcement letters of notification were issued, noting five (5) non-compliance issues. Six (6) non-compliance issues were corrected during the month of October.

Incidents/Accidents

Two state-reportable incidents were reported during the month of October:

- 10/5/2021 – Southeast Gas (Dothan) – house explosion at 105 E. Spring St., Dothan – After further investigation it was determined to be caused by an inside propane leak, non-jurisdictional to ALPSC
- 10/7/2021 – Trussville Utilities Board – Lightning struck a tree and followed root system to a 5/8" steel gas line. This created a pinhole in the pipe which ignited and burned part of a tree.

Training

Four operator/contractor training sessions on Polyethylene (PE) plastic fusion were conducted during the month of October:

- | | |
|--|------------------------|
| ➤ 10/5/2021 – Sylacauga Utilities (PE) | 23 Personnel Qualified |
| ➤ 10/7/2021 – Hartselle Utilities (PE) | 16 Personnel Qualified |
| ➤ 10/19/2021 – Leak City (Athens) (PE) | 10 Personnel Qualified |
| ➤ 10/20/2021 – Scottsboro Utilities (PE) | 28 Personnel Qualified |

Miscellaneous

On October 13 Mr. Wallace Jones, Gas Pipeline Safety Division Director, Mr. Jonathan Kimbril, Pipeline Investigations Supervisor, Mr. Shawn Emmons, Gas Pipeline Safety Investigator, Mr. Alan Boan, Owner of Pine Energies Pipeline, and Mr. Mark Burgess, CEO of South Alabama Gas District, met to discuss the change in management of the Pine Energies Pipeline. South Alabama Gas District is in the process of taking over the operations of the pipeline. It is currently inactive with nitrogen inserted for safety. This pipeline was used for transporting crude oil from well-heads in the south Alabama area. There is no current demand for the pipeline, but Mr. Boan does not want to abandon it due to the possibility of future use in transporting natural gas. A plan was devised to allow South Alabama Gas District to take over the maintenance and operation of the pipeline and to allow it to remain in active status.

Mr. Jones made a presentation to the Birmingham chapter of the National Association of Corrosion Engineers (NACE) on October 28. The presentation was an update of the Alabama Underground Damage Prevention Authority (ALUDPA) and covered the first two quarters of CY-2021 and the violation complaints that had been received during that time frame.



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JOHN A. GARNER, EXECUTIVE DIRECTOR

MEMORANDUM

DATE: November 30, 2021

TO: President Twinkle Andress Cavanaugh
Commissioner Jeremy H. Oden
Commissioner Chris "Chip" Beeker, Jr.

FROM: G. Scott Morris, Director *GSM*
Utility Enforcement Division

SUBJECT: Agenda for the December 7, 2021 Commission Meeting

This memorandum reflects the Utility Enforcement Division's (UED) report describing the major tasks, inspections and activities accomplished by its staff during the month of October 2021.

RAILWAY SAFETY

The track inspection results below reflect activity by our Railway Safety (RWS) Staff in the field.

Rail Carriers Visited	Regular Track Inspections	Track Defects Identified	Violations Recommended	Track Miles Inspected	Track Turnouts Inspected
4	16	46	0	129	56

The table below reflects track safety observations made in which one non-compliant condition was identified. Eighty-one roadway workers, bridge workers, and practices were observed.

Railroad Bridge Observations	Roadway Worker Protection	Roadway Maintenance Machines	Bridge Worker Safety
7	8	19	0

The data in the table shown below was collected from Motive Power & Equipment (MP&E) inspections that were performed on locomotives, freight cars, tank cars, and other railroad equipment.

Rail Carriers Visited	Regular Eqpt. Inspections	Defects Identified	Violations Recommended	Number of Units Inspected
7	14	181	0	1042

The table below shows observations completed by the MP&E Inspector in which no non-compliant condition was identified.

Air Brake Tests	Blue Flag Protection	End of Train Devices
0	2	0

There were five incidents reported by the National Response Center in October:

1. A diesel fuel release because of a mechanical failure in Birmingham on **BNSF**
2. A mainline derailment near Fulton on **NS**
3. A trimethylamine vapor release from a railcar in Theodore at **Evonik Corp**
4. A trespasser struck by a train with unknown injuries in Pine Hill on **NS**
5. A500 gallon diesel fuel release in Mobile on **CSX**

RWS staff investigated the derailment near Fulton on October 3rd. An NS train derailed 23 cars. The probable cause for derailment is a broken rail. Staff also investigated an incident that was reported by CSX Police reporting office on October 21 involving a railroad employee that was struck by a highway vehicle in Montgomery while working at a grade crossing. The employee suffered serious, but non-life-threatening injuries.

MOTOR CARRIER SERVICES

The Motor Carrier Services (MCS) staff accomplished the following matters regarding state authority to operate as a motor carrier in Alabama with proof of insurance coverage:

Vehicle Registration Numbers	Intrastate Applications		NOL Processed/ Closed Intra Applications	Under Legal Division Review	New Authority Approved	Motor Carrier Authority Inquiries		
	Processed	Returned				Phone	E-mails	Others
3	11	1	1	5	5	43	36	29

MCS staff members handled the tasks shown below regarding insurance coverage, prepared correspondence that challenged incorrect filings and addressed related inquiries:

Insurance Filings Received	Revocation Orders	Reinstatement Orders	Miscellaneous Actions	Letters Sent	Insurance Inquiries	
					Phone	E-mails
329	23	12	1	21	45	276

The Section addressed the following Unified Carrier Registration (UCR) responsibilities:

UCR Applications		UCR Mailouts for 2021/2022	UCR Audit Correspondence	UCR Inquiries	
Received	Returned			Phone	E-mail
21	1	827	7	194	27

As of October 31, there were 10,337 Alabama carriers (86%) registered for 2021 UCR with 1,689 that remain unregistered. The 2022 UCR registration opened on October 1. As of October 31, there were 2,354 Alabama carriers (21%) registered for 2022 UCR with 8,746 that remain unregistered.

In October, the staff mailed three pending payment letters to carriers that created a voucher several weeks prior where payment had not been received for the 2022 UCR registration year and two for the 2021 UCR registration year.

During October, \$4,611 was collected for Focused Anomaly Reviews (FARs) audits and \$1,165 was collected for Retreat audits.

The staff also assisted motor carriers in making necessary changes to their operating status with the Federal Motor Carrier Safety Administration (FMCSA). There were 13 MCS-150 forms processed indicating that five motor carriers' USDOT numbers were deactivated and eight forms contained updates to carriers' USDOT number data.

MCS staff attended the UCR Board Education & Training Subcommittee call and the UCR Board Audit Subcommittee call held in October.

The staff received 19 For Non-Profit (FNP) quarterly reports from FNP carriers for the third quarter of 2021. There was one FNP quarterly report for the third quarter of 2021 sent out for the third quarter.

Staff participated in the Show Cause hearing for four carriers that failed to submit their 2020 annual reports as required for all household goods and passenger carriers. Two 2020 annual reports were received during the hearing.

In October, there were three passenger tariffs for **Extreme Limousine, L.L.C. (C3962)**, **Meridian, LLC (C4128)**, and **Island Time Limousine, LLC d/b/a Island Time Limousine (C4126)** and one passenger supplement tariff for **Rush Hour Transit, Inc. (C4095)** were accepted.

The staff completed one compliance audit on **David L. Grimes, Jr. d/b/a Ace Limousine (C3865)**. The carrier must update their tariff on file with the Commission or stay consistent with their current tariffed rates.

The staff attended two passenger carrier hearings for the following companies:

- **Able Non-Emergency Medical Transport Service, LLC** – the protestant did not show up
- **Chandra Parker d/b/a Premier Cabulance** – no protestants

There was one phone call and five e-mails related to transportation network companies for the month of October.

FIELD SERVICES

No on-site inspections of **Alabama Power Company's** infrastructure or their business facilities were scheduled during the month of October; however, a forum was held online that covered current research and development ongoing at Gaston Steam Plant, Renewable Energy Credits and their Load Forecast.

The Field Services Section (FSS) staff met with personnel from **Community Utilities** to inspect the installation of an additional 5,000 feet of field lines at Mountain Lakes. This added two new zones in anticipation of residential development in that area. The installation went well with no discrepancies noted at the time of the inspection.

Staff also inspected **Bio-Flo Inc's** Willow Glenn plant in Alexander City which provides wastewater treatment to 45 residents with no defects noted at the time of the inspection.



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November 30, 2021

MEMORANDUM

**TO: President Twinkle Andress Cavanaugh
Commissioner Jeremy H. Oden
Commissioner Chris "Chip" Beeker, Jr.**

**FROM: John D. Free, Director *JDF*
Electricity Policy Division**

SUBJECT: Agenda – December 7, 2021 Commission Meeting

The Electricity Policy Division will present the following items at the December 7, 2021 Commission Meeting.

ELECTRICITY

ALABAMA POWER COMPANY

Dockets 18117 Division Report on Rate RSE and Rate ECR as of October 31, 2021
and
18416; The Electricity Policy Division performed the regular monthly examination
18148 of the books and records of Alabama Power Company. Included in the table
below are selected financial highlights concerning Rate RSE and Rate ECR.
In addition, the Division's computations and determination of the December
2021 Weighted Return on Average Retail Common Equity (WRRCE),
actualized through October 2021, can be found on page 2 of this report.

Rate RSE Forecast		Rate ECR Summary
12 Months Ending DECEMBER 31, 2021		Energy Cost Over/(Under) Recovered for OCTOBER 2021
7.34% WRRCE		(\$14,376,472)

*The authorized Weighted Return on Average Retail Common Equity
Range is 5.75% - 6.15%.

ELECTRICITY POLICY DIVISION
Alabama Power Company
Weighted Return on Average Retail Common Equity Calculation
Forecast - 12 Months Ending December 31, 2021

Common Equity as of October 31, 2021		\$10,764,670,342
Add Budgeted Net Income:		
November through December 2021	\$168,021,228	
Add Budgeted Capital Contributions:		
November through December 2021	\$12,576,438	
Add Other Adjustments:		
November through December 2021	\$0	\$180,597,666
Deduct Budgeted Stock Dividends:		
November through December 2021	\$2,443,580	\$2,443,580
Projected Common Equity for December 31, 2021		\$10,942,824,428
<hr/>		
Projected Average Common Equity		
For the 12 Months Ending December 31, 2021		\$10,635,698,880
Projected Retail Investment Separation Factor		95.29%
Projected Average Retail Common Equity		
For the 12 Months Ending December 31, 2021		\$10,134,757,463
Projected Retail Net Income		
For the 12 Months Ending December 31, 2021		\$1,405,288,334
Projected Common Equity Percentage of Capital Structure		
For the 12 Months Ending December 31, 2021		52.92%
Projected Weighted Return on Average Retail Common Equity (WRRCE)		
For the 12 Months Ending December 31, 2021		7.34%

The Common Equity as of October 31, 2021 (Actual) was adjusted using net income, payment of Common Stock and Preferred Stock dividends, Capital Contributions, and Other Adjustments from the Company's 2021 budget. The average common equity is a 12-month average using actual and budgeted data. The average retail common equity (RCE) was calculated using the retail separation factor of 95.29%. The retail net income (RNI) for average common equity and the common equity percentage (CEP) were calculated by using actual data for the ten months ended October 31, 2021, and then adding two months of budget data for November 2021 through December 2021. The Other Adjustments, if any, are the result of the Company adopting FASB Statement 123 (R), which requires the reporting of stock option expenses.

The Forecast is subject to change due to uncertainties associated with weather, customer usage patterns and economic conditions across the state.

ELECTRICITY POLICY DIVISION AGENDA

December 7, 2021 Commission Meeting

Page 3

Docket 18148 By Consent Order dated December 1, 2020, the Alabama Public Service Commission (“the Commission”) approved an interim energy cost recovery factor of 1.960 cents per kilowatt-hour for the billing months of January 2021 through December 2021. Absent a further order from the Commission, the ECR factor for billing months beginning January 2022 and thereafter shall be 5.910 cents per kilowatt-hour, as established under the Commission’s Order dated October 8, 2008.

Recommendation: The Staff recommends that the current interim energy cost recovery factor of 1.960 cents per kilowatt-hour be extended for the billing months of January 2022 through December 2022, unless a further change is agreed to sooner as a result of monitoring of operations or until changed by Commission order pursuant to Rate ECR and applicable Rules and Regulations. Absent a further order from the Commission, the ECR factor for billing months beginning January 2023 and thereafter will be 5.910 cents per kilowatt-hour.

Dockets 18117 and 18416 On November 22, 2021, Alabama Power Company (“the Company”) submitted calculations associated with its costs of complying with governmental mandates, as provided for under Rate CNP, Part C. The filing reflects a projected under-recovery of such costs that normally would be recoverable in the billing months of January 2022 through December 2022. At the request of the Commission, acting through its Staff, the Company has determined that the current factors can remain in place for cost year 2022, subject to a consent order by the Commission.

Recommendation: The staff recommends the entry of a consent order, consistent with the Company’s filing, which leaves in place the current Rate CNP, Part C factors for cost year 2022.

ELECTRICITY POLICY DIVISION AGENDA

December 7, 2021 Commission Meeting

Page 4

Dockets 32382

Consistent with the requirements of the Certificate of Convenience and Necessity granted in Docket No. 32382, Alabama Power Company is proposing a fifteen-year Energy Purchase Agreement in connection with the Letohatchee Solar Project. The project will be constructed, owned, operated, and maintained by Letohatchee Solar Project, LLC. Detailed project information was submitted to the Alabama Public Service Commission Staff on November 2, 2021.

As part of its proposal, the Company is also requesting approval of a customer participation contract (Renewable Subscription Program) between Alabama Power and Mercedes-Benz U.S. International, Inc. ("Mercedes"). Mercedes has subscribed to 100% of the environmental attributes related to this project.

The Staff has reviewed the information provided by the Company, together with other information obtained throughout the review process, and has determined that the Letohatchee Solar Project meets the criteria specified in the Certificate granted in Docket No. 32382. The Staff likewise finds the customer participation contract to be in furtherance of the objectives of Docket No. 32382.

If approved by the Commission, the Letohatchee Solar Project is expected to commence commercial operation on or before March 15, 2024.

Recommendation: Approval



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JOHN A. GARNER, EXECUTIVE DIRECTOR

MEMORANDUM

DATE: December 1, 2021

TO: Commission President Twinkle Andress Cavanaugh
Commissioner Jeremy H. Oden
Commissioner Chris "Chip" Beeker, Jr.
Division Directors

FROM: Legal Division

SUBJECT: Agenda - December 7, 2021 Commission Meeting

The Legal Division will present the following at the December 7, 2021
Commission Meeting:

DOCKET 33185 (Y) - Unopposed motor carrier application of On Time Taxi, LLC, of Montgomery, Alabama, for a certificate to transport passengers and their baggage. The Applicant waived its right to a Report and Recommended Order.

Recommend: Grant

DOCKET 33184 (Y) - Unopposed motor carrier application of Teddy's Cab Service LLC, of Prattville, Alabama, for a certificate to transport passengers and their baggage in special or charter taxi operations. The Applicant waived its right to a Report and Recommended Order at the hearing.

Recommend: Grant

DOCKET 33175 (Y) - Unopposed motor carrier application of July Enterprises, Inc d/b/a Coastal Express Shuttle, of Mobile, Alabama, for a certificate to transport passengers and their baggage. The Applicant waived its right to a Report and Recommended Order.

Recommend: Grant

LEGAL DIVISION AGENDA

December 7, 2021 Commission Meeting

December 1, 2021

PAGE #2

DOCKET 33164 (Y) - Motor carrier application of ABLE Non-Emergency Medical Transport Service, LLC, of Montgomery, Alabama, to extend an existing operation under Motor Carrier Certificate 4125 and P651. A Report and Recommended Order ("RRO") was entered in this cause on November 17, 2021, which recommended a grant of authority. No exceptions to the RRO were filed within 20 days from the date of service.

Recommend: Entry of an order recognizing that the RRO entered in this cause became the order of the Commission by operation of law due to the fact that no Exceptions to the RRO were filed within the statutorily established timeframe of 20 days.

DOCKET 33168 (Y) - *Alabama Public Service Commission v. All Motor Carriers who failed to file Annual Reports for 2020 operations*. Hearing held for all motor carriers who failed to file their Annual Reports for 2020 operations.

Recommend: Revocation of all carriers who failed to appear at the Show Cause hearing; dismissal of all carriers from proceeding who have now complied or otherwise shown good cause why they should be dismissed from this proceeding.

DOCKET C-19963 (B) - Petition of Kerns Trucking, Inc., of Kings Mountain, North Carolina, for reinstatement of Motor Carrier Certificate F2323 which was revoked due to Petitioner's failure to maintain proper proof of liability and cargo insurance coverage.

Recommend: Grant/Reinstatement

DOCKET C-20152; (B) - Approval of unopposed application to transfer Motor Carrier
33187 Certificates 4083 and FNP A-86 FROM: Terry Rowland d/b/a Continental Transport, of Center Point, Alabama TO: Continental Transport LLC, of Birmingham, Alabama (Docket 33187) and reinstatement of Motor Carrier Certificates 4083 and FNP A-86 (C-20152) for the sole purpose of transferring Certificates 4083 and FNP A-86 in good standing.

Recommend: Grant Reinstatement of Motor Carrier Certificates 4083 and FNP A-86 for the sole purpose of transferring Certificates 4083 and FNP A-86 in good standing; Approval of transfer application.

LEGAL DIVISION AGENDA

December 7, 2021 Commission Meeting

December 1, 2021

PAGE #3

DOCKET 33178 (B) - Application of Cyber Broadband, Inc., of Cullman, Alabama, for a Certificate to provide telecommunications service in the State of Alabama. A hearing was held on November 8, 2021, in which Commission Staff participated.

Recommend: Grant

DOCKET 33179 (B) - Application of CenturyTel Broadband Services, LLC, of Monroe, Louisiana, for a Certificate to provide telecommunications service in the State of Alabama. A hearing was held on November 8, 2021, in which Commission Staff participated.

Recommend: Grant

DOCKET 31097 (B) - Petition of David H. Conover d/b/a Con-Wood Services, of Auburn, Alabama, for cancellation of Motor Carrier Certificate F4198.

Recommend: Grant cancellation as requested

DOCKET 32553 (B) - Application of Community Utilities of Alabama, Inc. for approval to extend its commercial rate agreement with Auburn Legends RV Resort Condominium Owners Association, Inc. The extension would take effect upon the expiration of the prior agreement and extend up to December 31, 2023.

Recommend: Approval

DOCKET 33192 (B) - Commission Staff, through consumer complaints and its own research, has identified several unregulated water providers that potentially meet the statutory definition of "utility," subjecting them to Commission regulation. Staff performed an initial assessment of the identified providers, reviewing available formation documents and talking with representatives of the water providers. During this initial assessment, representatives of some of these water provides claimed exemptions from Commission regulation based on corporate form or the nature of their operations.

Recommend: Initiate a generic proceeding to gather information, address the asserted exemptions, and clarify the Commission's jurisdiction over certain types of water providers.